



U.S. Department of Transportation  
Federal Transit Administration Office of  
Safety and Security

# State Safety Oversight

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*Winter 1999*

*Issue 4*

## FTA Audits of Oversight Agencies

As announced in the last Newsletter, FTA audits of the oversight agencies began in the fall of 1998. In the State Safety Oversight regulation, FTA has the responsibility to monitor and evaluate the States' compliance with 49 CFR 659. In particular, the FTA Administrator may withhold funds from a State if he determines that a State has not complied with the Regulation and "is not making adequate efforts to comply" (§659.7). FTA has chosen to conduct on-site audits of the oversight agencies as the means of carrying out this responsibility.

FTA has two primary goals for these audits. First, an audit seeks to determine whether a State is complying with the Regulation: whether the written elements of the oversight program meet the requirements of Part 659, and whether the Oversight Agency is actually carrying out the program. Second, an audit examines the oversight program as a whole to point out ways in which it can be improved.

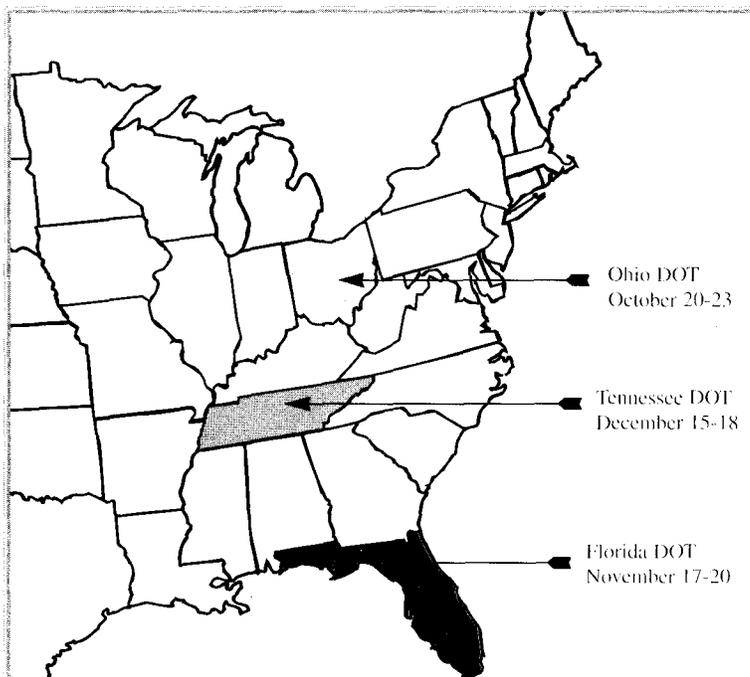
In 1998, FTA conducted audits of three oversight agencies: Ohio DOT, Florida DOT, and Tennessee DOT.

*continued on page 4*

## *Coming in Future Issues*

Annual Reports  
The Return of  
Counsel's Corner  
Accident Investigations

1998 FTA Audits



 **REMEMBER** that all oversight agencies have two annual submissions due to FTA:

- 1 By January 1, the 1999 Certification of Compliance. See 49 CFR 659.49 and the Appendix to Part 659.
- 2 By March 15, the Annual Report that summarizes the Oversight Agency's 1998 activities. This means that the oversight agency should be requesting the information that it needs from its rail transit systems in early 1999.

 There have been a number of changes to the Oversight Agency contact list. So we printed a full updated list (now including e-mail addresses, where available) on pages 6 and 7.

**Newsletter readers: Make sure that you receive future issues. Please keep us informed of changes to your contact name, address, and phone numbers. And if, you're not on our mailing list, send us your address by mail, fax, or e-mail See the back page for the editor's address and numbers.**



## This Just In...

Watch this page for changes to the rail safety regulation, breaking news, and previews of coming events.

### 1998 Workshop Highlights

The FTA's Office of Safety and Security held the second Workshop for State Safety Oversight Agencies on October 28 to 30 in Chicago, Illinois. Staff from 15 current and three future oversight agencies took part, along with FTA staff from Washington and the Region 5 Office. At the opening night reception, guests were greeted by Joel Ettinger, Administrator of FTA



Region 5, and Rick Bacigalupo, Executive Director of the Illinois Regional Transportation Authority (RTA), the host agency.

The following day's schedule covered a range of topics and prompted much lively discussion. Oversight agencies presented their ideas on issues such as:

Conducting three-year reviews overseeing new or expanding rail systems  
Dealing with unacceptable hazardous conditions surviving an FTA audit

*continued on page 3*

### ... And On To (???) This Fall

The FTA is making plans for the **1999 Workshop for State Safety Oversight Agencies**. Based on comments from the participants in Chicago, we are exploring ways to making the third Workshop more useful, informative, and enjoyable. Some suggestions included: expanding the schedule by starting earlier; including break-out sessions; and/or inviting other featured speakers.

**We are looking for a State to host the 1999 Workshop.** If you are looking to show off your city, your state, and your local transit service, here's your chance! (And you can tell the folks in accounting that you're saving on travel costs). Please contact Roy Field of FTA (his address, phone, and e-mail are on page 6) if you are interested.

**We are also looking for Oversight Agency staff to serve on the Workshop Steering Committee** - especially people who did not serve on the 1998 Steering Committee - to help us plan the content and format. Likewise, please contact Roy Field if you are interested.

## Accidents & Revenue Service

*In the context of the State Safety Oversight Rule, what is “revenue service operation” ? The question is relevant because a transit system is required to report accidents, and an Oversight Agency is required to investigate accidents, “involving the revenue service operation of a rail fixed guideway system ” (\$659.5).*

*On this page, we present excerpts from the program standards of several oversight agencies to show how they interpreted and incorporated this requirement. For comparison, we also provide a definition of “revenue service ” from FTA - in the context of National Transit Database reporting.*

“Accident” means any event or occurrence on a fixed guideway system that involves a collision between guideway vehicles and other on-guideway equipment or motor vehicles, derailment, explosion, fire or any other loss-causing event during operation (other than yard operations) of such fixed guideway system.

- *New Jersey DOT Program Standard (N.J.A.C. 16:53E)*

**Revenue service operation** means any rail service operation occurring outside the limits of a rail yard.

- *Illinois RTA Program Standards and Procedures*

(1) A reportable accident is one...which is associated with the operation of rail transit vehicles and other on-track equipment at any location in the system; including at grade crossings, station platforms, mainline and yard tracks.

(2)...the intent of the general order is to cover all forms of operations (revenue and non-revenue service, on mainline, in yards and in shops). This may require the duplication of reporting to Cal OSHA and CPUC.

- *California PUC*

(1) *General Order No. 164-A*

(2) *Clarification memo to transit systems (8 January 1999)*

### **Accident:**

Injuries, deaths, or property damage that occur when the rail fixed guideway system is not in revenue service are excluded from the definition. Hence, under the rule, the oversight agency or its agent is not required to investigate these events, but may do so under its own authority.

- *49 CFR 659, Section-by-Section Analysis*

### **Revenue Service:**

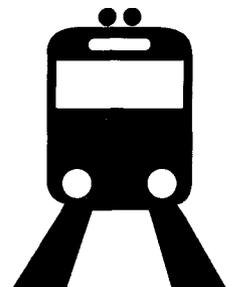
The time when a vehicle is available to the general public and there is a reasonable expectation of carrying passengers that either pay fares, are subsidized by public policy, or provide payment through some contractual arrangement. Vehicles operated in fare free service are considered in revenue service. Revenue service excludes deadhead, school bus, and charter service.

- *FTA National Transit Database Reporting Manual*

*continued from page 2*

The highlights of the final day included presentations by: Transport Canada staff on their future program for rail oversight north of the border; and Boyd, Maier & Associates on combatting transit terrorism.

Of course, there was some play mixed in with the work. Workshop attendees took advantage of Chicago to eat too much and shop. The heroic efforts of Judy Meade to hail cabs in the Thursday evening deluge are etched in our memories. And attendees also used the transit passes — compliments of the RTA — to explore the city on the CTA, the nation's second largest rail system.





# FTA Audits of Oversight

*continued from page 4*

flexible enough to accommodate the varying local conditions and differences in the program standards of the oversight agencies.

In the document review portion of the audit, FTA auditors look at material that supports the oversight program, but is not necessarily submitted to FTA. Examples of this include: the transit systems' SSPPs and security programs; accident logs and accident investigation reports; and correspondence between the Oversight Agency and the transit system. This document review verifies that the Oversight Agency is complying with the FTA Regulation, as well as following its own standard.

### Audit Process

The timeline on this page shows the major steps in an audit. FTA notifies

an Oversight Agency in writing at least six weeks in advance of an audit. In general, an audit begins on a Tuesday morning with an **entrance interview**. Interviews and document review begin immediately after. On Friday of the same week, FTA auditors present their **findings at an exit interview** and provide the Oversight Agency with a **Final Report**.

The Final Report may consist of two types of findings. A finding of **deficiency** represents an issue for which the Oversight Agency is not complying with the FTA Regulation or its own program standard. The Oversight Agency must respond to and correct a deficiency. A finding of an **area of concern** represents an issue for which FTA recommends changes to the oversight program. The Oversight Agency must also respond to an area of concern; however, it is not required to follow

FTA's recommendation. Responses to all findings are due to FTA within 60 days after the Oversight Agency receives the Final Report.

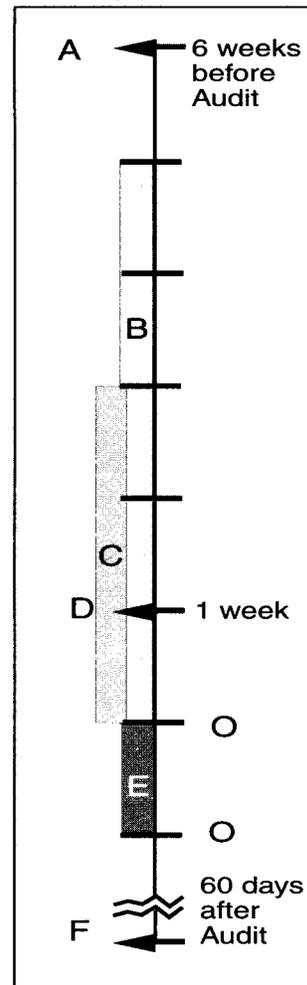
### What's Ahead

In 1999, FTA will conduct as many as ten audits. FTA plans to conduct an initial audit of all oversight agencies by the end of 2000.

## Timeline Key

- A - OA receives notification letter**
- B - FTA works with OA to plan audit**
- C - FTA Team analyzes OA documents**
- D - OA receives final audit agenda**
- E - Audit takes place at OA office**
  - Tuesday Morning      Entrance Interview
  - Checklist Interviews begin
  - Wednesday            Checklist Interviews continue
  - Documents Review begin
  - Documents Review continue
  - Thursday morning    Checklist Interviews completed
  - Documents Review completed
  - Friday morning        Exit Interview
  - Delivery of Final Audit Report
- F - OA response to FTA Audit Report is due**

## Audit Timeline



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(continued on p. 7)



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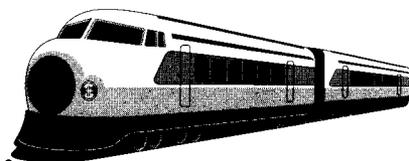
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**Produced By**

Office of Safety & Security  
Federal Transit Administration  
TPM-30  
400 7th Street, SW  
Washington, DC 20590  
(202) 3664896

**Published By**

U.S. Department of  
Transportation  
Research & Special Programs  
Administration  
Volpe National Transportation  
Systems Center  
Cambridge, MA 02142  
(617) 494-3450

**Edited By**

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**Calendar**

**1999**

- |                                                                                   |                                                                                                   |
|-----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| January 1                                                                         | Oversight Agency's Certification of Compliance due to FTA                                         |
| Winter                                                                            | FTA audits of Oversight Agencies continue                                                         |
| March 15                                                                          | Oversight Agency's 1998 Annual Report due to FTA                                                  |
| Spring                                                                            | Issue #5 of <i>Newsletter</i>                                                                     |
| Fall                                                                              | 3rd State Safety Oversight Workshop (location and dates to be announced)                          |
|  | See page 4 for a 1999 schedule of Transportation Safety Institute classes related to rail transit |

**State Safety  
Oversight**

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